

HOUSE RESEARCH

Bill Summary

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Overview

Under Minnesota Statutes, chapter 461, a city or town may license and regulate the retail sales of tobacco, and the county may license and regulate in the unorganized territory of the county and in any city or town that does not regulate and license. This bill addresses the use of electronic age verification by licensees and amends provisions relating to administrative penalties for unlawful sale of tobacco to minors.

Section

- 1 Administrative penalties; licensees.** Makes the \$200 administrative penalty for a second violation of selling tobacco to someone under 18 a maximum rather than a set amount. Makes more flexible penalties for third and subsequent violations. Requires double penalties if the person making the sale does not verify the age of a buyer who is a minor. Requires the local licensing authority to consider the licensee's policies and procedures used to prevent sales to minors in setting the penalty and length of license suspension.
- 2 Defense.** Adds electronic verification of age to what is required for an affirmative defense against a charge of sale to a minor.
- 3 Electronic age verification for tobacco sales.** Prohibits use of the information displayed in electronic age verification process for anything but verifying age and proving to local licensing authority or court that seller used process to verify age. Requires commissioner of commerce to enforce section. Permits a person whose personal information is used illegally to bring an action and recover damages, costs and attorneys fees.
- 4 Effect on local ordinance; notice.** Prohibits a licensing authority from imposing a penalty greater than that set in section 1 or the current law (not amended in this bill) if the licensee or employee used electronic age verification. (Under section 1, penalties listed are doubled if

electronic age verification is not used.)

- 5** **Effective date; application.** Sections 1, 2, and 4 are effective day after enactment and apply to administrative penalties imposed on or after that date. Section 3 is effective October 1, 2003.